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7 Attorneys for Defendants

8 SHERIFF MICHAEL HENNESSEY, CAPTAIN SABRINA BUTLER,

9 LIEUTENANT IMELDA JOHNSON, SERGEANT STEPHEN TILTON,

DEPUTY JAMALA SANFORD, DEPUTY JAVIER MIRAMONTES,

10 DEPUTY BEN FOSTER, DEPUTY JOHN MADDEN,

DEPUTY MELVIN SONG AND

11 CITY AND COUNTY OF SAN FRANCISCO

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 DENNIS ROZADILLA,

15 Plaintiff,

16 vs.

17 SHERIFF MICHAEL HENNESSEY, et  
18 al.,

19 Defendants.

Case No. c04-0909 MEJ

20 **STIPULATION AND [PROPOSED]**  
21 **ORDER DISMISSING CERTAIN**  
22 **DEFENDANTS AND CLAIMS**

## 1 THE PARTIES HEREBY JOINTLY REQUEST AND STIPULATE

2 1. Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure that the court  
3 dismiss with prejudice the following parties:

4 • As to all claims: Sheriff Michael Hennessey, Nurse Bill Hool, Nurse Jacqueline  
5 Savage, and Nurse Howard Chiu.

6 • As to Cause of Action Two of the First Amended Complaint only: Defendants Jamala  
7 Sanford, Deputy Javier Miramontes, Deputy Ben Foster, Deputy John Madden, and Deputy  
8 Melvin Song.

9 • As to Cause of Action Four: Captain Sabrina Butler, Lieutenant Imelda Johnson.

10 2. Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure that the court  
11 dismiss with prejudice the following causes of action:

12 • Any apparent "independent" claims under Sections 1 and 13 of Article One of the  
13 California Constitution (although alleged violations of rights under the Sections 1, 7 and 13 of  
14 Article One of the California Constitution will be the basis for plaintiff's claims under  
15 Sections 51.7 and 52.1 of the California Civil Code) (First Amended Complaint, Causes of  
16 Action One and Two);

17 • *Monell* Policy and Practice Claims (Cause of Action Three in its entirety);

18 • Negligent and Intentional Infliction of Emotional Distress (Cause of Action Five in its  
19 entirety);

20 • Punitive Damages only to the extent they apply to any of the above-referenced claims  
21 or parties that are being dismissed (Cause of Action Seven, partial only).

22 SO STIPULATED.  
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February 9  
Dated: ~~January~~, 2008

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DEPUTY BEN FOSTER, DEPUTY JOHN MADDEN,  
DEPUTY MELVIN SONG AND  
CITY AND COUNTY OF SAN FRANCISCO

February 4,  
Dated: ~~January~~, 2008

THE LAW OFFICE OF DENNIS CUNNINGHAM  
By: Dennis Cunningham  
DENNIS CUNNINGHAM

Attorney for Plaintiff  
DENNIS ROZADILLA

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: March 3, 2008

HONORABLE JUDGE MARIA-ELENA JAMES  
United States District Judge

